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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/820,982	03/30/2001	William J. Tumulty	05793.3034	4192
22852 7590 12/29/2005 FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			EXAMINER DUNHAM, JASON B	
			ART UNIT	PAPER NUMBER
			3625	
DATE MAILED: 12/29/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	09/820,982		TUMULTY ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Jason B. Dunham		3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 October 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-11,22-24,26-32 and 56-59 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-11,22-24,26-32 and 56-59 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>See Office Action</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on October 3<sup>rd</sup>, 2005 has been entered.

### ***Information Disclosure Statement***

The information disclosure statements (IDS) submitted on 05/02/01, 08/09/01, 07/03/02, and 04/23/03 were filed after the mailing date of the application on 03/30/01. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statements are being considered by the examiner.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-3, 5-11, 22-24, 26-32, and 56-59 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Walker (U.S. Patent No. 6,487,291)**

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**and Khouri (U.S. Patent No. 6,665,396), and further in view of Friedes (U.S. Patent No. 5,444,774).**

Referring to claim 1. The combination of Walker, Khouri, and Friedes teaches a method for prioritizing a customer inquiry, the method comprising:

- Receiving an inquiry from a customer (Walker: column 3, line 29);
- Prompting the customer to provide an identification number (Khouri: column 6, lines 54-64). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to have modified the method of Walker to have prompted the customer to provide an identification number, as taught by Khouri, in order to establish a status for the customer (Khouri: abstract).
- Retrieving, when the customer provides the identification number, customer information about the customer based on the provided identification number (Friedes: abstract);
- Computing a customer prioritization score based on the retrieved customer information (Walker: column 5, lines 65-67), wherein computing the customer prioritization score comprises determining whether the retrieved customer information includes a predetermined amount of customer information (Friedes: column 7, lines 49-68). The examiner notes that "determining whether the retrieved customer information includes a predetermined amount of customer information" is not patentably distinct from computing a customer prioritization score based on retrieved customer information. There is no action or result taken if the customer information does not meet a predetermined amount or

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quantity of required information. By retrieving the customer information to compute the customer prioritization score the combination of Walker, Khouri, and Friedes determines whether the retrieved customer information includes a predetermined amount of customer information because the information is retrieved through a predetermined ID number.

- Prioritizing the customer inquiry based on the computed customer prioritization score and the determination of whether the retrieved customer information includes the predetermined amount of customer information, such that higher prioritized customer inquiries are responded to sooner than lower prioritized customer inquiries (Walker: column 6, lines 20-39).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to have modified the combination of Walker and Khouri, to retrieve customer information about the customer based on the provided identification number and compute a customer prioritization score including determining whether the retrieved customer information includes a predetermined amount of customer information, as taught by Friedes, in order to collect additional information needed to service the call while the call is in the holding queue (Friedes: abstract).

Referring to claim 2. Walker further discloses a method wherein receiving the customer inquiry, further includes attaching to the inquiry a timestamp identifying the time the inquiry was received (Walker: column 1, lines 36-38).

Referring to claim 3. Walker further discloses a method wherein the customer information comprises financial information describing the customer's likelihood to purchase an offered product (Walker: column 5, lines 52-64).

Referring to claim 5. Walker further discloses a method wherein the customer inquiry with the highest score is responded to first (Walker: column 6, lines 20-39).

Referring to claim 6. Walker further discloses a method wherein customer inquiry includes assigning the customer inquiry to a particular queue based on the computed prioritization score (Walker: column 3, line 57-column 4, line 8).

Referring to claim 7. Walker further discloses a method wherein customer inquiries having the same prioritization score are responded to in the order they were received according to the time stamp (Walker: column 1, lines 36-38 & column 3, line 57-column 4, line 8).

Referring to claim 8. Walker further discloses a method wherein determining whether the retrieved customer information includes a predetermined amount of customer information comprising:

- Matching the retrieved customer information to criteria measuring a likelihood to purchase a product to determine if the retrieved customer information includes a predetermined amount of customer information (Walker: column 5, lines 52-64); and
- If the retrieved customer information does not include a predetermined amount of customer information, prompting the customer for additional customer information by providing predefined prioritization queries created to determine the

customer's likelihood to purchase an offered product (Walker: column 3, lines 38-50).

Referring to claim 9. Walker further discloses a method wherein the customer prioritization score is re-computed based on the customer's responses to the predefined prioritization queries (Walker: column 3, line 38 – column 4, line 8).

Referring to claim 10. Walker further discloses a method wherein prioritizing the customer inquiry includes assigning the customer inquiry to at least one of a high-level queue, a mid-level queue, or a low-level queue, based on the computer prioritization score (Walker: column 4, lines 50-55 & column 6, lines 41-54).

Referring to claim 11. Walker further discloses a method wherein each customer inquiry may be assigned to any one of a multiple queues, wherein each queue is associated with a range of predetermined scores, wherein the customer inquiries are assigned to one of the multiple queues based on the computer prioritization score and the associated ranges of the multiple queues, and wherein the customer inquiries assigned to queues with a higher range of predetermined scores are responded to sooner than customer inquiries assigned to queues with a lower range of predetermined scores (Walker: column 6, lines 41-54).

Referring to claim 56. Walker further discloses a method wherein computing the prioritization score comprises calculating a net present value for the inquiry (Walker: Figure 4C).

Referring to claim 57. Walker further discloses a method wherein calculating the net present value comprises calculating the net present value based on the customer's

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likelihood to purchase a product and the expected value of the purchase (Walker: column 3, lines 38-50 & figure 4C).

Referring to claims 22-24, 26-32, and 58-59. Claims 22-24, 26-32, and 58-59 are rejected under the same rationale set forth above. The combination of Walker, Khouri, and Friedes teach a system capable of performing the methods in the above claims.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Katz (U.S. Patent No. 5,561,707) discloses a system which is adapted to select or qualify a set of callers, acquire data from the callers in the set and to statistically analyze the acquired data.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason B. Dunham whose telephone number is 571-272-8109. The examiner can normally be reached on M-F, 8-5.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on 571-272-7159. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



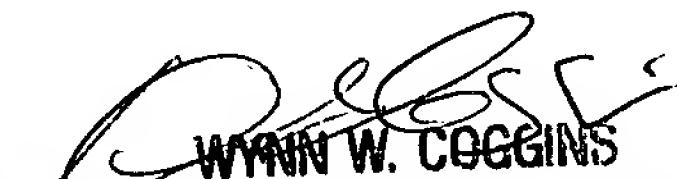
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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JBD  
Patent Examiner  
12/19/05



12/19/05



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